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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,220	08/23/2000	Reinhard Schneider	195976US0	1106

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EXAMINER

KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 02/14/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,220

Applicant(s)

SCHNEIDER ET AL.

Examiner

Preeti Kumar

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. Claims 1-8 and 11-14 are pending. Claims 1, 3, 5, and 11 have been amended. Claims 12-14 are new. Claims 9 and 10 are cancelled.
2. Objection to claims 1 and 9 is withdrawn in light of applicant's cancellation of the claims.
3. The rejection of claims 1-4 and 6-8 and 11 under 35 U.S.C. 112 is withdrawn in light of applicant's amendment to the claims.
4. The rejection of claims 10-11 under 35 U.S.C. 101 is withdrawn in light of applicant's amendment to the claims.
5. The rejection of claims 1-8 and 11 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Beckmann et al. (WO 98/03725) is withdrawn upon further consideration of the prior art.
6. The rejection of claims 5 and 14 under 35 U.S.C. 112 is maintained for the reasons recited in the previous office action. Alternative expressions are permitted if they present no uncertainty or ambiguity with respect to the question of scope or clarity of the claims. One acceptable form of alternative expression, which is commonly referred to as a Markush group, recites members as being "selected from the group consisting of A, B and C." See *Ex Parte Markush*, 1925 C.D. 126 (Comm'r Pat. 1925). Also, newly added claim 14, is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention because the limitation in the claim as recited is uncomprehensible. This claim has not been considered on its merit.

7. The rejection of claims 1-8 and 11-12 under 35 U.S.C. 103(a) as being unpatentable over Fono (US 4,27,881) in view of Beckmann et al. (WO 98/03725) is maintained for the reasons recited in the previous office action and further described below.

Response to Arguments

8. Applicant's arguments filed November 21, 2002 have been fully considered but they are not persuasive. Contrary to applicant's argument that the stripping of textiles with hydroxyalkane sulfinates is achieved only due to the presence of an additional reducing agent, i.e., a sulfite anion, which is not required by the process recited by the instant claims, the examiner points to examples 2 and 4 of the prior art, which clearly teach stripping of textile material without the use of sodium sulfite or sodium dithionite. Furthermore, Fono et al. recognize the importance of decreasing the amount of reducing agent to decrease the chemical oxygen demand of the dye waste water which makes the waste water less harmful to the environment. See col.4, ln.2-10.

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Fono et al. provide motivation to one of ordinary skill in the art to use a hydroxyalkane sulfinate in a process of color stripping dyed textile fabric. Specifically regarding newly added claim 12, Fono et al. teach a process for stripping dye from textile fabrics including, without limitation, all fabrics and yarns containing cotton fibers, synthetic or other fibers, such as rayon, polyester, acetate and polyacrylonitrile fibers and all blends made from these fibers. The term covers any yarn, rawstock or fibers, or any such fabric whether woven or knitted. See col.2, ln.35-40. Furthermore, Fono et al. provide motivation to one of ordinary skill in the art to use ammonium cations in the stripping liquid to enhance the stripping ability of the sodium hydroxy methane sulfinate. See col.2, ln.48-53. As previously stated, Beckmann et al. teach an amino alkane sulfinate of the same formula as recited by the instant claims. Thus, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to develop a process for decolorization of dyed textile material by treating the textile material with an amino alkane sulfinate as recited by Beckmann et al., with a reasonable expectation of success because the teachings of Fono et al. suggest the use of a hydroxy alkane sulfinate and ammonium ions in a process for color stripping dyed textile fabric by treating the textile material with an amino alkane sulfinate in general.

New Grounds of Rejection

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fono (US 4,27,881) in view of Beckmann et al. (WO 98/03725) as applied to claims 1-8 and 11-12 above, and further in view of Olip et al. (US 5,749,923).

Fono and Beckmann et al. are relied upon as set forth above. However, Fono and Beckmann et al. do not specifically teach an after treatment with hydrogen peroxide as recited by the instant claim.

Olip et al. teach a method for bleaching denim textile material into a bleaching composition comprising formamidine sulfinic acid and 1-3% hydrogen peroxide for use in brightening denim fabric. See col.6, ln.26-35. Specifically, Olip et al. provide the advantageous use of hydrogen peroxide to the rinse solution to neutralize any residual alkalinity and oxidize any residual reducing agent. See col.7, ln.33-40.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the composition taught by Beckmann et al. to include an after treatment with hydrogen peroxide with a reasonable expectation of success because the teachings of Beckmann et al. suggest the use of other additives and Olip et al. teach the advantageous use of hydrogen peroxide to the rinse solution to neutralize any residual alkalinity and oxidize any residual reducing agent in the analogous process of brightening denim fabric.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

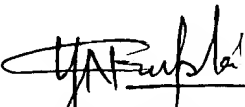
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9309.


YOGENDRA N. GUPTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Preeti Kumar
Examiner
Art Unit 1751

PK
February 8, 2003